

### REMARKS

Claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are pending in the application. Claims 40, 41, 43, 45, 47, 49, 51, 53, 55, and 57 are withdrawn from consideration as being directed to non-elected inventions. In the non-final Office Action of December 31, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(e) as being anticipated by *Asatsuma, et al. (US 7,176,499)* (“*Asatsuma ‘499*”).
- B.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(a) as being anticipated by *Asatsuma, et al. (US JP 2004088134)* (“*Asatsuma ‘134*”).
- C.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of *Ito, et al. (US 20050042787)* (“*Ito*”).

Applicants respectfully traverse the rejections and address the Examiner’s disposition below.

- A.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(e) as being anticipated by *Asatsuma, et al. (US 7,176,499)* (“*Asatsuma ‘499*”):

Applicants respectfully disagree with the rejection.

*Asatsuma ‘499* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56, because *Asatsuma ‘499* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Asatsuma ‘499* has a U.S. priority date of October 3, 2002. The Examiner has failed to take into consideration Applicants’ already-established invention date of at least as early as October 12, 2001, which pre-dates *Asatsuma ‘499*’s U.S. priority date of October 3, 2002. As Applicants’ invention date pre-dates *Asatsuma ‘499*’s U.S. priority date, *Asatsuma ‘499* cannot anticipate Applicants’ claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

- B.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(a) as being anticipated by *Asatsuma, et al. (US JP 2004088134)*(“*Asatsuma ‘134*”):

Applicants respectfully disagree with the rejection.

*Asatsuma ‘134* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56, because *Asatsuma ‘134* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Asatsuma ‘134* has a Japanese filing date of December 15, 2003. The Examiner has failed to take into consideration Applicants’ already-established invention date of at least as early as October 12, 2001, which pre-dates *Asatsuma ‘134*’s Japanese filing date of December 15, 2003. As Applicants’ invention date pre-dates *Asatsuma ‘134*’s Japanese filing date, *Asatsuma ‘134* cannot anticipate Applicants’ claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

- C.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of *Ito, et al. (US 20050042787)*(“*Ito*”):

Applicants respectfully disagree with the rejection.

Applicants submit that the rejection is at best a provisional rejection, because the present application and *Ito* are currently pending.

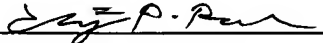
Further, *Ito* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56, because *Ito* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Ito* has a PCT filing date of October 28, 2002. The Examiner has failed to take into consideration Applicants’ already-established invention date of at least as early as October 12, 2001, which pre-dates *Ito*’s PCT filing date of October 28, 2002. As Applicants’ invention date pre-dates *Ito*’s PCT filing date, *Ito* cannot anticipate Applicants’ claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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